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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,070	02/21/2002	Thomas F. Soules	120491 GEC 2 0610	8560
7590	10/10/2003		EXAMINER	
Timothy E. Nauman, Esq. Fay, Sharpe, Fagan, Minnich & McKee, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114-2518			COLON, GERMAN	
			ART UNIT	PAPER NUMBER
			2879	
DATE MAILED: 10/10/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	10/080,070	Applicant(s)	SOULES ET AL.
Examiner	German Colón	Art Unit	2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 18 July 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1,3,5-8 and 12-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3,5-8 and 12-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Amendment, filed on July 18, 2003, has been entered and acknowledged by the Examiner.
2. Cancellation of claims 2, 4 and 9-11 has been entered.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 5 are dependent on cancelled claims 2 and 4, respectively. For the purpose of examination, claims 3 and 5 are considered as dependent on claim 1.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 15, 17, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasuda et al. (US 5,629,586).

Regarding claim 15, Yasuda discloses the method for forming a coil for a fluorescent lamp, the method comprising:

winding a wire around a first cylindrical member and a current carrying wire to form a first coiled structure;

winding the first coiled structure around a second cylindrical member, without appreciable overlapping of coils, to form a second coiled structure having 80-130 turns per inch; and

winding the second coiled structure around a third cylindrical member to form a third coiled structure , the coiled structure having a diameter of at least 1 mm; and coating the third coiled structure with an emitter (see Figs. 3-5 and Col. 3, lines 19-43).

Regarding claim 17, Yasuda discloses the second coil structure having at least 80 TPI.

Referring to claim 19, Yasuda discloses the third cylindrical member having a diameter of 1 mm.

Referring to claim 21, Yasuda discloses the second coil structure having at least 90 TPI.

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3, 5, 8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 3,003,077).

Regarding claim 1, Thomas discloses a discharge lamp comprising: an envelope 13; a discharge-sustaining fill sealed inside the envelope; first and second electrodes 8 for providing a discharge, at least the first electrode including a current carrying wire 9 and a coil including:

a first structure formed by winding a overwinding wire around a first cylindrical member (see Fig. 1),

a second coil structure formed by winding the second coil structure around a second cylindrical member 6 (see Fig. 2) without appreciable overlapping of the coils, the second coiled structure having at least 80 turns per inch,

a third coil structure formed by winding the second coiled structure around a third cylindrical member 7, the third cylindrical member having a diameter of about 0.7 mm, and an emitter material deposited on the coil (see Fig. 3). Thomas is silent regarding the limitation of “the third cylindrical member having a diameter of at least 1 mm”.

However, Thomas teaches that various dimensions and wire sizes can be used, enabling a person skilled in the art to make and use the invention without undue experimentation (see Col. 2, lines 26-28). Further, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “the third cylindrical member having a diameter of at least 1 mm”, since Thomas teaches that various dimensions and wire sizes can be used, and further, it is generally considered to be within the ordinary skill in the art to adjust, vary, select or optimize the numerical parameters or values of any system absent a showing of criticality in a particular recited value.

Regarding claim 3, claim 3 is rejected over the reasons stated in the rejection of claim 1.

Referring to claim 5, Thomas discloses the second coiled structure having more than 85 turns per inch (see Col. 2, line 41).

Referring to claim 8, Thomas discloses the emitter material comprising an oxide selected from the group consisting of Ba, Sr, Ca, Zr and combinations thereof (see Col. 1, lines 13-14, and Col. 2, lines 62-64 and 71-72).

Referring to claim 12, Thomas discloses the second coiled structure having more than 90 turns per inch (see Col. 2, line 41).

Referring to claim 13, Thomas discloses the claimed invention except for the limitation of “the secondary coil being 30 mm in length”. However, Thomas teaches that various dimensions and wire sizes can be used, enabling a person skilled in the art to make and use the invention without undue experimentation (see Col. 2, lines 26-28). Further, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “the secondary coil being 30 mm in length”, since Thomas teaches that various dimensions and wire sizes can be used, and further, it is generally considered to be within the ordinary skill in the art to adjust, vary, select or optimize the numerical parameters or values of any system absent a showing of criticality in a particular recited value.

9. Claims 1, 3, 5, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuda et al. (US 5,629,586).

Regarding claim 1, Yasuda discloses a discharge lamp comprising: an envelope **FL**; a discharge-sustaining fill sealed inside the envelope; first and second electrodes **42** for providing a discharge, at least the first electrode including a current carrying wire **44** and a coil including:

a first structure formed by winding a overwinding wire around a first cylindrical member (see Fig. 4),

a second coil structure formed by winding the second coil structure around a second cylindrical member **50** (see Fig. 5) without appreciable overlapping of the coils, the second coiled structure having at least 80 turns per inch,

a third coil structure formed by winding the second coiled structure around a third cylindrical member, the third cylindrical member having a diameter of at least 1.0 mm, and an emitter material deposited on the coil (see Col. 3, lines 40-43).

Yasuda discloses the claimed invention except for the limitation of “the third cylinder member having a diameter of 1.2-1.5 mm”. However, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide “the third cylinder member having a diameter of 1.2-1.5 mm”, since it is generally considered to be within the ordinary skill in the art to adjust, vary, select or optimize the numerical parameters or values of any system absent a showing of criticality in a particular recited value.

Regarding claims 3 and 20, claims 3 and 20 are rejected over the reasons stated in the rejection of claim 1.

Regarding claim 5, Yasuda discloses the second coil having more than 85 turns per inch (see Col. 3, line 40).

Referring to claim 12, Yasuda discloses the second coil having more than 90 turns per inch (see Col. 3, line 40).

10. Claims 8, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuda et al. (US 5,629,586) in view of Thomas (US 3,003,077).

Referring to claim 8, Yasuda discloses the claimed invention except for the limitation of “the emitter material comprising an oxide selected from the group consisting of Ba, Sr, Ca, Zr and combinations thereof”.

However, in the same field of endeavor, Thomas discloses a coil having an emitter made of an oxide of Ba, Sr, Ca, Zr and combinations thereof, and teaches such compounds to be traditional and well known in the art (see Col. 1, lines 12-14, and Col. 2, lines 62-63 and 71-72). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an oxide of Ba, Sr, Ca, Zr and combinations thereof as the emitter material since Thomas teaches such oxides to be traditional and well known in the art.

Referring to claim 16, Yasuda-Thomas discloses the emitter mix including carbonates selected from the group consisting of Ba, Sr, Ca, Zr and combinations thereof (see '077, Col. 2, lines 62-63). Same reasons for combining stated in claim 8 apply.

Regarding claim 18, Yasuda discloses the claimed invention except for the limitation of “dissolving the first, second and third cylindrical members in an acid bath”. Yasuda discloses

the coil being made of tungsten (W), the cylindrical members being made of molybdenum (Mo) and said cylindrical members being dissolved by usual Mo solvents (see Col. 3, lines 50-51).

However, in the same field of endeavor, Thomas discloses a coil made of (W) with cylindrical members made of (Mo), and teaches an acid bath which removes the Mo without removing the (W), to be customary for removing such cylindrical members (see Col. 2, lines 53-58). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the acid bath disclosed by Thomas as the (Mo) solvent disclosed by Yasuda, since Thomas teaches the acid bath to be customary for removing (Mo) cylindrical members, removing the (Mo) without removing the (W) of the coil.

11. Claims 1, 6, 7, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Kemenade et al. (US 6,049,164) in view of Yasuda et al. (US 5,629,586).

Regarding claim 1, Van Kemenade discloses a discharge lamp comprising an envelope, a discharge-sustaining fill sealed inside the envelope; first and second electrodes for providing a discharge, the electrodes being coils and comprising an emitter material. Van Kemenade fails to disclose the electrodes being a triple-coiled wire.

However, in the same field of endeavor, Yasuda discloses a discharge lamp with a triple-coiled wire with the purpose of enhancing thermionic emission of electrons, preventing the lamp end supports from being heat-deteriorated, and increasing the lamp's life. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the triple-coiled wires disclosed by Yasuda to the lamp of Van Kemenade in order to enhance

thermionic emission of electrons, preventing the lamp end supports from being heat-deteriorated, and increasing the lamp's life.

Referring to claim 6, Van Kemenade-Yasuda discloses the third coiled structure being at least 10 mm in length (see '164, Col. 3, lines 44-45)

Referring to claim 7, Van Kemenade-Yasuda discloses the lamp being a T8 lamp (see Col. 3, line 21) and the third coiled structure being at least 10 mm. Van Kemenade-Yasuda is silent regarding the limitation of "the third coiled structure being 11-12 mm in length".

However, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "the third coiled structure with a length of 11-12 mm", since it is generally considered to be within the ordinary skill in the art to adjust, vary, select or optimize the numerical parameters or values of any system absent a showing of criticality in a particular recited value.

Regarding claim 15, Van Kemenade-Yasuda discloses the method for forming a coil for a fluorescent lamp, the method comprising:

winding a wire around a first cylindrical member and a current carrying wire to form a first coiled structure;

winding the first coiled structure around a second cylindrical member to form a second coiled structure; and

winding the second coiled structure around a third cylindrical member to form a third coiled structure,

the coiled structure having a diameter of at least 1 mm; and coating the third coiled structure with an emitter. Same reasons for combining stated in claim 1 apply.

Regarding claim 22, claim 22 is rejected over the reasons stated in the rejection of claim 7.

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 3,003,077) as applied to claim 13 above, and further in view of Admitted Prior Art (APA) and Clark (US 5,864,209).

Thomas discloses the claimed invention except for the limitation of “the amount of emitter material being 10-15 mg”. The APA discloses that conventional coils usually have about 7-8 mg of emitter on a coil (see Page 8, Paragraph [00029], lines 7-9).

In the same field of endeavor, Clark discloses a lamp comprising a thermionic material (see Col. 6, lines 29-32) and teaches that an unavoidable characteristic of thermionic electron emission is the sputtering away of the emitter material since as the emitter material decreases, the cathode voltage increases and the intensity of the lamp is substantially reduced (see Col. 1, lines 53-58; and Col. 5, lines 5-6, 14-16). Further, Clark discloses that lamps comprising a triple-coiled wire have a significantly increased effective and useful life due to an increase in the amount of emitter material provided by the shape of said triple-wire coiled, which holds a greater volume of emitter than prior lamps (see Col. 2, lines 47-50; and Col. 5, lines 16-22). Moreover, Clark teaches that too much emitter material can lead to a reduced lamp life due to problems of brittleness and flaking of said emitter material.

It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "the amount of emitter material being 10-15 mg", since the APA discloses that conventional coils usually have about 7-8 mg of emitter on a coil, and Clark teaches that a lamp comprising a triple-coiled wire have a significantly increased effective and useful life due to an increase in the amount of emitter material provided by the shape of said triple-wire coiled, which holds a greater volume of emitter than prior lamps. Also, Clark establishes an upper boundary to the amount of emitter material since too much emitter material can lead to a reduced lamp life due to problems of brittleness and flaking of said emitter material. Further, it is generally considered to be within the ordinary skill in the art to adjust, vary, select or optimize the numerical parameters or values of any system absent a showing of criticality in a particular recited value.

13. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Kemenade-Yasuda as applied to claim 22 above, and further in view of Admitted Prior Art (APA) and Clark (US 5,864,209).

Van Kemenade-Yasuda discloses the claimed invention except for the limitation of "the amount of emitter material being 10-15 mg". The APA discloses that conventional coils usually have about 7-8 mg of emitter on a coil (see Page 8, Paragraph [00029], lines 7-9).

In the same field of endeavor, Clark discloses a lamp comprising a thermionic material (see Col. 6, lines 29-32) and teaches that an unavoidable characteristic of thermionic electron

emission is the sputtering away of the emitter material since as the emitter material decreases, the cathode voltage increases and the intensity of the lamp is substantially reduced (see Col. 1, lines 53-58; and Col. 5, lines 5-6, 14-16). Further, Clark discloses that lamps comprising a triple-coiled wire have a significantly increased effective and useful life due to an increase in the amount of emitter material provided by the shape of said triple-wire coiled, which holds a greater volume of emitter than prior lamps (see Col. 2, lines 47-50; and Col. 5, lines 16-22). Moreover, Clark teaches that too much emitter material can lead to a reduced lamp life due to problems of brittleness and flaking of said emitter material.

It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "the amount of emitter material being 10-15 mg", since the APA discloses that conventional coils usually have about 7-8 mg of emitter on a coil, and Clark teaches that a lamp comprising a triple-coiled wire have a significantly increased effective and useful life due to an increase in the amount of emitter material provided by the shape of said triple-wire coiled, which holds a greater volume of emitter than prior lamps. Also, Clark establishes an upper boundary to the amount of emitter material since too much emitter material can lead to a reduced lamp life due to problems of brittleness and flaking of said emitter material. Further, it is generally considered to be within the ordinary skill in the art to adjust, vary, select or optimize the numerical parameters or values of any system absent a showing of criticality in a particular recited value.

***Response to Arguments***

14. Applicant's arguments filed July 18, 2003 have been fully considered but they are not persuasive.

Applicant argues that the secondary coil disclosed by Yasuda et al. (US 5,629,586) corresponds to only about 10 turns per inch.

The Examiner notes that Yasuda discloses a secondary coil having a pitch of 0.2 mm. This corresponds to about 100 turns per inch, not 10 turns per inch as indicated by the Applicant.

Applicant argues that Thomas discloses a winding a coiled structure on a third mandrel which is 26 mils, and that this is much less than the at least 1.2 mm claimed.

The Examiner concedes that Thomas (US 3,003,077) discloses a third mandrel having a diameter of about 0.7 mm. However, Col. 2, lines 26-28 of Thomas teaches that various dimensions and wire sizes can be used, and the values provided are just a *specific* example. Thus, Thomas' teachings enable a person skilled in the art to make and use the invention without undue experimentation. Further, it is generally considered to be within the ordinary skill in the art to adjust, vary, select or optimize the numerical parameters or values of any system.

For the reasons stated above the rejection of claims 1, 3, 5-8 and 12-23 is deemed proper.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to German Colón whose telephone number is 703-305-5987. The examiner can normally be reached on Monday thru Friday, from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 703-305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

gc



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